

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FEIL WHITNEY,

Plaintiff,

v.

CITY OF PHILADELPHIA, et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:

**Civil Action
No. 21-4006**

**CITY OF PHILADELPHIA’S STATEMENT OF FACTS IN SUPPORT OF ITS
MOTION FOR SUMMARY JUDGMENT**

1. Plaintiff filed his Complaint in this matter on August 2, 2021. *See* JA 1.
2. Count I of Plaintiff’s Complaint brings an action for “Federal Civil Rights Violations” against the City of Philadelphia. *See* JA4.
3. Count I of Plaintiff’s Complaint alleges that the Defendant John Doe Philadelphia Police Officers 1-10 “deprived Plaintiff of rights secured by the Fourth and Fourteenth Amendments to the United States Constitution” by virtue of their actions on August 14, 2019. *See* JA5.
4. Count II of Plaintiff’s Complaint brings a state-law assault and battery claim against the City of Philadelphia. *See* JA6.
5. Count II of Plaintiff’s Complaint alleges that the Defendant John Doe Philadelphia Police Officers 1-10 “did knowingly, intentionally, negligently, maliciously, and/or recklessly commit an assault and battery upon Plaintiff” by virtue of their actions on August 14, 2019. *See* JA7.
6. Count III of Plaintiff’s Complaint brings an excessive force claim against the City of Philadelphia. *See* JA8.
7. Count III of Plaintiff’s Complaint alleges that the Defendant John Doe Philadelphia Police Officers 1-10 “subjected Plaintiff to unreasonable and excessive force” by virtue of their actions on August 14, 2019. *See* JA8.
8. Count IV of Plaintiff’s Complaint brings false arrest and false imprisonment claims against the City of Philadelphia. *See* JA11.

9. Count IV of Plaintiff's Complaint alleges that the Defendant John Doe Philadelphia Police Officers 1-10 "falsely arrested and imprisoned Plaintiff in the absence of probable cause or other valid and reasonable lawful basis" by virtue of their actions on August 14, 2019. *See* JA11.
10. Count V of Plaintiff's Complaint brings a negligence claim against the City of Philadelphia. *See* JA12.
11. The City of Philadelphia answered Plaintiff's Complaint on October 5, 2021. *See* JA15.
12. In the City of Philadelphia's Answer raised the affirmative defense that Plaintiff's state law claims against the City of Philadelphia are barred or limited by Pennsylvania's Political Subdivision Tort Claims Act, 42 Pa. Cons. Stat. Ann. § 8541 *et al.* *See* JA24.
13. Plaintiff's allegations concern his alleged presence at the scene of a highly publicized shooting in the 3700 block of North 15th Street in which 6 police officers were wounded on August 14, 2019. *See* JA64.
14. In response to a contention interrogatory requesting that Plaintiff "identify the factual basis for [his] Monell claims against the City of Philadelphia," he stated only that "[e]xcessive force was used by [the] Philadelphia Narcotics strike force in handcuffing and detaining Plaintiff while he was pulled and thrown on the ground by the Narcotics strike force." *See* JA63–64.

Date: April 19, 2023

Respectfully submitted,

/s/ Danielle B. Rosenthal

Danielle B. Rosenthal

Deputy City Solicitor

PA Bar No. 329676

City of Philadelphia Law Department

1515 Arch Street, 14th Floor

Philadelphia, PA 19102

(215) 683-5448

danielle.rosenthal@phila.gov